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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/603,835	IKENO, ATSUSHI
Office Action Summary	Examiner	Art Unit	
	David Faber	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2007*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-13,15-17 and 19-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-13, 15-17, and 19-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on 11 July 2007.

2. Claims 1, 4, 7, 9, 12, and 19-21 have been amended.

3. The objection to the drawings has been withdrawn necessitated by the amendment. The rejection of Claims 1-4, 6-13, 15-18, and 19-21 under 35 U.S.C. 112, second paragraph, has been withdrawn necessitated by the amendment. The rejection of Claims 1-4, 6-11, and 19-20 under 35 U.S.C. 101 has been withdrawn necessitated by the amendment.

4. Claims 1-4, 6-13, 15-17, and 19-21 are pending. Claims 1, 12, and 19-21 are independent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4, 6, 8, 10, 12-13, 16, and 19 remain rejected under 35 U.S.C. 102(b) as being anticipated by Yanase et al (US PGPub 2001/0025288, published 10/27/2001).

As per independent Claim 1, Yanase et al discloses:

- Computer readable medium (Paragraph 0026)

- division pattern storing means for storing therein one or plural division
  patterns defining a predetermined character string said character string being
  represented in a division line; document dividing means for applying the one
  or plural division patterns stored in the division pattern storing means to the
  inputted electronic document to divide the electronic document to plural
  partial documents. (FIG 7-8; Paragraph 0080, 0084: Discloses news
  information in an electronic mail format containing line separators composed
  of characters, regarded as a separator for separating articles from one
  another within. These character lines are predetermined rules for separating.
  (Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7
  containing multiple character lines where the lines are used to separate the
  articles from each other. In addition, other division patterns are used to
  separate the title and the main body of text from within each of the separated
  articles. FIG. 8 shows the result of the method disclosure in Paragraph 0084.)

- labeling pattern storing means for storing therein plural labeling patterns
  provided with classification information pieces said classification information
  pieces defining a predetermined character string which specifics classification
  of a respective partial document; and labeling means for applying the labeling
  patterns stored in the labeling pattern storing means to respective partial
  documents obtained by the division conducted by the document dividing
  means, respectively, to provide the classification information pieces. (FIG 7-8;

Paragraph 0081-0084: Discloses other predetermined rules that determine,

separate, and label the title of the article, text of the article and other

information into a data structure. (Paragraphs 0079-0083, 0087) As stated in

Paragraph 0084, predetermined character strings such as space lines specify

a partial aspect of the document if it's a title or text of that article. For

example, a section separated from an subsequent section with only one line

(one predetermined character string) is regarded as the title of the article and

a section separated from a subsequent section with a plurality of lines

(another predetermined character string) is regarded as the text of the article.

Thus, FIG 8 shows the result of labeling the title and text of the article based

on the classification of the predetermined character strings in the document.

FIG 10 discloses other information retained, labeling the information retained

from the document format analysis, and stored in a data structure shown in

FIG. 6, and described in Paragraph 0077.)

As per dependent Claim 2, Yanase et al discloses:

- wherein the division pattern storing means stores plural division patterns for

   an electronic document of one kind. (Paragraph 0084: Discloses multiple

   division patterns that determine patterns to separate articles of the document

   of one kind (i.e. email or magazine: Paragraph 0063) that is inputted.)

As per dependent Claim 4, Yanase et al discloses:

- wherein the division pattern storing means stores the one or more division patterns (a searching division pattern) so that, when discrimination has been made to the inputted electronic document, within a predetermined line from a line coincident with the division pattern (a searching division pattern), there is not a line coincident with another division pattern, the line coincident with the division pattern (a searching division pattern) is defined as the division line. (Paragraph 0084: An embodiment of a news information by electronic mail in which a document format analysis is performed according to the predetermined rules (Paragraph 0079-0083)) When lines of the same character code appear consecutively, and match a predetermined rule, the lines are regarded as separators, and thus division lines.)

As per dependent Claim 6, Yanase et al disclose:

- wherein the labeling pattern storing means stores plural labeling patterns for an electronic document of one kind. (Since Paragraph 0084 discloses multiple division patterns that not only determines separate articles, but also the main body text and the title of each article. Once determining the division of the sections, the method is able to label an individual article, the text of the article, and the title of the article. Paragraph 0081-0083 discloses example of predetermined rules used for division purposes, but also used for labeling.)

As per dependent Claim 8, Yanase et al discloses:

- wherein the labeling pattern includes the same pattern as the division pattern.

  (Paragraph 0079-0084: Paragraphs 0079-0083 disclose an example of

  predetermined rules that is determines the separation of multiple articles from

  each other, and able to locate the title, main text, and links. Not only the

  process is able to locate each of these components, these rules are also used

  for labeling the component explained in Paragraph 0084 and shown in

  Figures 8 and 10.)

As per dependent Claim 10, Yanase et al discloses:

- division pattern producing means for recognizing existence of plural lines

  including similar character strings in similar positions in the electronic

  document inputted to produce the division pattern and register the same in

  the division pattern storing means. (Paragraph 0084, Figs. 7-8: Paragraph

  0084 discloses the example of separating two articles from each other. It is

  able to locate and determine the multiple line separators to break down the

  text, then able to read the number of space lines of broken-down sections to

  determine the title and text by the number of lines separating from a

  subsequent section. Then the title and text is paired together and viewed as

  one article. FIG 7 shows the example used, with FIG 8 the result from the

  disclosure of Paragraph 0084.)

As per independent Claim 12, Shimada et al discloses a method:

- a document dividing step of applying one or plural division patterns defining a

  predetermined character string said character string being expressed in a

  division line to the electronic document inputted to divide the electronic

  document to plural partial documents and a labeling step of applying labeling

  patterns provided with classification information pieces said classification

  information pieces defining a predetermined character string which specifies

  classification to the respective partial documents obtained by the division

  conducted in classification to the respective partial documents obtained by

  the division conducted in the document dividing step by providing the

  classification information pieces to the respective partial documents.   (FIG 7-

  8; Paragraphs 0080, 0084: Discloses news information in an electronic mail

  format containing line separators composed of characters, regarded as a

  separator for separating articles from one another within. These character

  lines are predetermined rules for separating. (Paragraph 0079-0080)

  Paragraph 0084 discloses an example using FIG 7 containing multiple

  character lines where the lines are used to separate the articles from each

  other. In addition, other division patterns are used to separate the title and the

  main body of text from within each of the separated articles. As stated in

  Paragraph 0084, predetermined character strings such as space lines specify

  a partial aspect of the document if it's a title or text of that article. For

  example, a section separated from an subsequent section with only one line

  (one predetermined character string) is regarded as the title of the article and

a section separated from a subsequent section with a plurality of lines

(another predetermined character string) is regarded as the text of the article.

Thus, FIG 8 and 10 shows the result of labeling the title and text of the article

based on the classification of the predetermined character strings in the

document.)

As per dependent Claim 13, Claim 13 recites similar limitations as in Claim 4 and

is similarly rejected under Yanase et al.

As per dependent Claim 16, Claim 16 recites similar limitations as in Claim 10

and is similarly rejected under Yanase et al.

As per dependent Claim 19, Yanase et al disclose:

- A computer readable medium in which the information partitioning program

    according to claim 12 has been recorded. (Paragraph 0128: Discloses

    various storage medium used for recording)

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 3 and 7 remain rejected under 35 U.S.C. 103(a) as being unpatentable

over Yanase et al (US PGPub 2001/0025288, published 10/27/2001).

As per dependent Claim 3, Yanase et al discloses the separating of news articles

in an electronic mail format (Paragraph 0084), but fails to specifically disclose the

division pattern is be applied regardless of the kind of an electronic document. However,

in Paragraph 0076, Yanase et al discloses that the conversion of extracting text from an

article in printed matter into an electronic document with the use of OCR. In addition,

Yanase et al discloses document format is assumed during the document format

analysis (The separating of multiple articles from each other. Example disclosed in

Paragraph 0084), format conversion to the specific document format can be included

and executed. It was well-known to one of ordinary skill at the time of applicant's

invention that an electronic document, in an Adobe PDF, containing news articles could

be attracted by an OCR to be converted into a document form understandable by

Yanase et al's method enabling Yanase et al's document format analysis performed to

separated articles from each other using line separators, and be able to determine the

title and text of the article, and labeling the title and text of the article shown in FIG 8.

(Paragraph 0084)

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to have combined Yanase et al's method with the disclosure above

since it would have provided the benefit of allowing any type of document, electronic or

printed, to have extracted useful news information to the user without accessing a

specific source each time.

As per dependent Claim 7, Claim 7 recites similar limitations as in Claim 3 and is rejected under rationale. Furthermore, Yanase et al's method not only is able to separate articles using character-coded line separators and able to determine the title and text of the article, but it is able label the title and text of the article shown in FIG 8 (Paragraph 0084) applied to any inputted electronic document recognized through the process disclosed in Claim 3.

9.   Claims 9, 11, 15, 17, 20 and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase et al (US PGPub 2001/0025288, published 10/27/2001) in further view of Kobayashi et al (US PGPub 2003/0007397, filed 5/10/2002).

As per dependent Claim 9, Yanase et al discloses their method is able to determine the inputted document is either electronic mail (electronic document) or printed matter, (paper document)), thus able manage different kinds of documents inputted (Paragraph 0063, lines 7-11) and that the document format of news information is already determined. (Paragraph 0073, lines 5-8) However, Yanase fails to specifically disclose discriminate patterns for discriminating the kind of the electronic document inputted. On the other hand, Kobayashi et al discloses the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in HTML format, (document in HTML) XML format (document in XML) (Paragraph 0109), or an email message. (electronic mail document) (Paragraph 0111)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within.

As per dependent Claim 11, Yanase et al discloses receiving news by electronic mail, a plurality of articles that include a plurality of topics distributed at one time, but fails to specifically disclose that the electronic mail is a mail magazine. However, Kobayashi et al discloses an extended e-mail system of mail magazines that is capable of transmitting the same information to multiple destinations at once in which the email contains large amount of information being advertisements and bodies of text.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within

As per dependent Claim 15, Yanase et al discloses a method:

- the document dividing step performs dividing to partial documents using the discriminated division patterns for document kind, and the labeling step provides the classification information pieces using the discriminated labeling patterns for the document kind. (Paragraph 0084: Discloses multiple division patterns that not only to determine and separate multiple articles from one

another, but also the main body text and the title of each individual article.

Once determining the division of the sections, the method is able to label an

individual article, the text of the article, and the title of the article. Paragraph

0081-0083 discloses example of predetermined rules used for division

purposes, but also used for labeling.)

However, Yanase et al fails to specifically disclose comprising a document

kind discriminating step of discriminating the kind of the electronic document

inputted. On the other hand, Kobayashi et al discloses the ability to determine the

format of the document by the character type of the input text data. (FIG 5;

Paragraph 0106-116) Kobayashi et al's method is able to determine if the text

data is in HTML format, XML format (Paragraph 0109), or an email message.

(Paragraph 0111)

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to have combined Yanase et al's method with Kobayashi et

al's method since Kobayashi's method would had made Yanase et al's method

capable of unitarily processing e-mails and HTML documents, and further to

provide a recording medium for use within.

As per dependent Claim 17, Claim 17 recites similar limitations as in Claim 11

and is similarly rejected under Yanase et al and Kobayashi et al.

As per independent claim 20, Claim 20 recites similar limitations as in Claim 1,

and 9 combined and is similar rejected under rationale.

As per independent claim 21, Claim 21 recites similar limitations as in Claim 9,

and 15 combined and is similar rejected under rationale.

Response to Arguments

10.   Applicant's arguments filed 11 July 2007 have been fully considered but they are

not persuasive.

11.   On pages 11-12, in regards to Claim 1, Applicant argues that Yanase fails to

specifically disclose the limitation document dividing means for applying the one or

plural division patterns stored in the division pattern storing means to the inputted

electronic document to divide the electronic document to plural partial document stating

that Yanase does not divide the inputted electronic document into "plural partial

documents". However, the Examiner disagrees.

Yanase discloses a process of article division of news information inputted via

electronic mail (document) into individual articles (partial documents). (Paragraph 0059,

0062) Furthermore, in FIG 7-8 and Paragraphs 0080, 0084, Yanase discloses news

information in an electronic mail format containing line separators composed of

characters, regarded as a separator for separating articles from one another within.

These character lines are predetermined rules for separating. (Paragraph 0079-0080)

Paragraph 0084 discloses an example using FIG 7 containing multiple character lines

where the lines are used to separate the articles from each other. Thus, the character

lines separated a document containing many articles into partial documents wherein

each article is its own partial document.

12.   On pages 11-12, in regards to Claim 1, Applicant argues Yanase fails to

specifically disclose the limitation labeling means for applying the labeling patterns

stored in the labeling pattern storing means to the respective partial documents

obtained by the division conducted by the document dividing means, respectively, to

provide the classification information pieces. However, the Examiner disagrees.

Yanase discloses other predetermined rules determine, separate, and label the

title of the article, text of the article and other information into a data structure.

(Paragraphs 0079-0083, 0087) As stated in Paragraph 0084, predetermined character

strings such as space lines specify a partial aspect of the document if it's a title or text of

that article. For example, a section separated from an subsequent section with only one

line (one predetermined character string) is regarded as the title of the article and a

section separated from a subsequent section with a plurality of lines (another

predetermined character string) is regarded as the text of the article. Thus, FIG 8 shows

the result of labeling the title and text of the article based on the classification of the

predetermined character strings in the document. FIG 10 discloses other information

retained, labeling the information retained from the document format analysis, and

stored in a data structure shown in FIG. 6, and described in Paragraph 0077.)

13.   On pages 12-13, in regards to claims 2 and 6, Applicant argues that Yanase fails

to disclose the limitation wherein the storing pattern storing means stores plural division

patterns for an electronic document of one kind and labeling pattern storing means

stores plural labeling patterns for an electronic document of one kind. However, the

Examiner disagrees.

Yanase discloses inputting a document of one kind (i.e. email, or magazine:

Paragraph 0063) wherein multiple division patterns determine patterns to separate

articles contain within that document. (FIG 4, Paragraph 0080,0084) In addition,

patterns to separate and determine the main body text and the title of each article as

plural labeling patterns of a section separated from an subsequent section with only one

line (one predetermined character string) is regarded as the title of the article and a

section separated from a subsequent section with a plurality of lines (another

predetermined character string) is regarded as the text of the article. Paragraph 0080

discloses of a different separator for separating articles from each other which also

identifies one article from another which is labeled after separating shown in Figs 10

and 11. Thus, Yanase discloses the limitations of claim 2 and 6 since it performs these

functionalities for each document inputted either being an email or a magazine.

14.   On page 13, in regards to Claim 10 and 16, Applicant argues that Yanase fails to

specifically disclose division pattern producing means for recognizing existence of plural

lines including similar character strings in similar positions in the electronic document

inputted to produce the division pattern and register the same in the division pattern

storing means. However, the Examiner disagrees.

Paragraph 0084 of Yanase discloses the example of separating two articles from

each other. It is able to locate and determine the multiple line separators to break down

the text, then able to read the number of space lines of broken-down sections to

determine the title and text by the number of lines separating from a subsequent

section. (Paragraph 0084, Figs. 7-8) Then the title and text is paired together and

viewed as one article. FIG 7 shows the example used, with FIG 8 the result from the

disclosure of Paragraph 0084. Thus, once its able to determine the division pattern of

producing/separating the first article from the inputted document, it repeats the process

of separating all the rest of the articles from the inputted document the same exact

method/pattern. Thus, Yanase discloses the ability to produce a division pattern for one

article from the document and use that same division pattern throughout the rest of the

document.

15.   On page 14, in regards to Claims 3 and 7, Applicant argues Yanase fails to

specifically discloses the limitation division pattern can be applied regardless of the kind

of an electronic document wherein Applicant argues does not mention different types of

electronic documents. However, the Examiner disagrees.

        Yanase discloses separating articles of news information from an e-mail or

magazines containing news information that was inputted wherein e-mails, magazines

etc are viewed as documents. Thus, Yanase disclose breaking/separating portions of an

electronic document of more than one type of document. (e.g. Abstract, 0011)

16.   On pages 14-15, in regards to claims 9, 11, 15, 17, 20 and 21, Applicant argues

that Kobayashi fails to disclose the claim limitation document kind discriminating means

for referencing to the stored discrimination patterns to discriminate the electronic data

inputted as required by the claims. However, the Examiner disagrees.

Yanase discloses the ability to receive more information from more than one form

and more than one source. Since Yanase is able to read the news information from an

electronic mail format and a magazine format (printed matter), it knows the format of the

document and how to manage different formats (electronic mail or printed matter) when

separating the document as its being inputted or it wouldn't be able to function properly.

However, Yanase fails to specifically disclose discriminate patterns for discriminating

the kind of the electronic document inputted. A feature within Kobayashi et al enables

the ability to determine the format of the document by the character type of the input

text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if

the text data is in HTML format, XML format (Paragraph 0109), or an email message.

(Paragraph 0111). Kobayaski et al discloses a character-type determining unit that

reads the inputted text stored in the document, and able to determine the markup

language or the text format of the text. Since Kobayski is able to recognize the format

through the character-type determining unit since the unit knows what tags are in the

HTML or XML format or an email, it references to the discriminating patterns stored.

Thus, Kobayaski et al is able to read the "discriminating patterns" to determine the

electronic document inputted. Therefore, Kobayaski et al cures the deficiencies of

Yanase et al.

Conclusion

17.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Faber whose telephone number is 571-272-2751.

The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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